

Senate File 2322 - Introduced

SENATE FILE 2322
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 2084)

A BILL FOR

1 An Act relating to services provided through the department of
2 human services for children who have been adjudicated and
3 establishing a state training school for delinquent females
4 and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

STATE TRAINING SCHOOL — EDUCATION

Section 1. LEGISLATIVE FINDINGS. The general assembly finds there is a need to improve the system to meet the needs of children who have committed a delinquent act, have been abused, neglected, or subjected to trauma, or have other significant needs that put the safety of the children or the public at risk. The areas for system improvement include but are not limited to all of the following:

1. Providing equity in the services available for both the male and female children involved in the system.

2. Providing appropriate safeguards to ensure children in placements are safe and getting their needs met.

3. Ensuring that education and training services meet state and federal requirements and prepare the children for long-term success.

4. Engaging children in services after an out-of-home placement to prevent the need for placement from reoccurring.

5. Providing an effective system to support children when they attain adulthood in order to prevent their engagement with the adult criminal justice system.

Sec. 2. IMPLEMENTATION. As the level of service for juvenile delinquent females provided for in this Act does not currently exist in the state and represents a gap in the continuum of care for juvenile females, a state-owned facility that is best able to begin offering services immediately upon enactment of this Act shall be expeditiously selected by the department of human services to fulfill the duties outlined in section 233B.1, as enacted by this Act.

Sec. 3. Section 232.2, subsection 22, paragraph b, subparagraph (3), Code 2014, is amended to read as follows:

(3) Visiting the home, residence, or both home and residence of the child and any prospective home or residence of the child, including each time placement is changed. A child in a placement other than with the child's parent shall be visited

1 at the placement at least quarterly.

2 Sec. 4. Section 232.2, Code 2014, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 54A. "*State training school*" means
5 the state training school for female juvenile delinquents
6 maintained in accordance with chapter 233B or the state
7 training school for male juvenile delinquents maintained in
8 accordance with chapter 233A.

9 Sec. 5. Section 232.49, subsection 2, Code 2014, is amended
10 to read as follows:

11 2. When possible an examination shall be conducted on an
12 outpatient basis, but the court may, if it deems necessary,
13 commit the child to the state training school or to a
14 suitable hospital, facility, or institution for the purpose
15 of examination. Commitment for examination shall not exceed
16 thirty days and the civil commitment provisions of chapter 229
17 shall not apply.

18 Sec. 6. Section 232.49, subsection 3, paragraph b, Code
19 2014, is amended to read as follows:

20 b. An examination shall be conducted on an outpatient
21 basis unless the court, the child's counsel, and the parent,
22 guardian, or custodian agree that it is necessary the child
23 be committed to the state training school or to a suitable
24 hospital, facility, or institution for the purpose of
25 examination. Commitment for examination shall not exceed
26 thirty days and the civil commitment provisions of chapter 229
27 shall not apply.

28 Sec. 7. Section 232.52, subsection 7, Code 2014, is amended
29 by adding the following new paragraph:

30 NEW PARAGRAPH. 0b. When the court orders the transfer of
31 legal custody of a child pursuant to subsection 2, paragraph
32 "d", "e", or "f", the child's attorney shall visit the child at
33 the child's placement at least quarterly.

34 Sec. 8. Section 232.102, subsections 3 and 4, Code 2014, are
35 amended by striking the subsections.

1 Sec. 9. Section 232.103, subsection 7, Code 2014, is amended
2 by striking the subsection.

3 Sec. 10. Section 233A.1, Code 2014, is amended to read as
4 follows:

5 **233A.1 State training school — ~~Eldora and Toledo.~~**

6 1. For the purposes of this chapter, unless the context
7 otherwise requires:

8 a. "Department" means the department of human services.

9 b. "Director" means the director of human services.

10 c. "State training school" means the state training school
11 for male juvenile delinquents.

12 d. "Superintendent" means the superintendent of the state
13 training school for male juvenile delinquents.

14 ~~1. 2. Effective January 1, 1992, a A diagnosis and~~
15 ~~evaluation center and other units are established at Eldora and~~
16 ~~shall be operated, maintained, and staffed by the department to~~
17 ~~provide to male juvenile delinquents a program which focuses~~
18 ~~upon appropriate developmental skills, treatment, placements,~~
19 ~~and rehabilitation.~~

20 ~~2. The diagnosis and evaluation center which is used to~~
21 ~~identify appropriate treatment and placement alternatives for~~
22 ~~juveniles and any other units for juvenile delinquents which~~
23 ~~are located at Eldora and the unit for juvenile delinquents at~~
24 ~~Toledo shall together be known as the "state training school".~~
25 ~~For the purposes of this chapter "director" means the director~~
26 ~~of human services and "superintendent" means the administrator~~
27 ~~in charge of the diagnosis and evaluation center for juvenile~~
28 ~~delinquents and other units at Eldora and the unit for juvenile~~
29 ~~delinquents at Toledo.~~

30 3. The number of children present at any one time at the
31 state training school at Eldora shall not exceed the population
32 guidelines established under 1990 Iowa Acts, chapter 1239,
33 section 21, as adjusted for subsequent changes in the capacity
34 at the training school.

35 4. Each child placed at the state training school and any

1 other child receiving an examination at the state training
2 school by order of the court shall receive a written plan
3 for services. The plan for services provided by the state
4 training school to a child shall identify any physical,
5 emotional, intellectual, behavioral, or mental health
6 disorder or condition affecting the child and recommend
7 treatment to address the disorder or condition, identify any
8 substance-related disorder of the child or the child's family
9 and recommend treatment to address the disorder, and assess the
10 child's educational status and recommend action to address any
11 identified educational deficiency, and for follow-up services,
12 identify specific public and private service providers with
13 the capacity to meet the child's needs. A copy of the plan
14 for services and any subsequent amendment to the plan shall be
15 submitted to the child, the child's attorney, and the juvenile
16 court.

17 5. The state training school at Eldora shall facilitate
18 the provision of follow-up services to children, who received
19 placement services at the state training school and who remain
20 under the jurisdiction of the juvenile court, as necessary
21 to meet the long-term needs of the children as they age
22 into adulthood. The plan for follow-up services shall be
23 developed with the child in conjunction with juvenile court
24 services and the child's attorney. The provision of follow-up
25 services for children who remain under the jurisdiction of the
26 juvenile court is subject to approval by the juvenile court.
27 Follow-up services shall be provided to support children who
28 are discharged from the state training school during the period
29 beginning twelve months prior to the children becoming age
30 eighteen and ending on the day prior to the children becoming
31 age eighteen who do not remain under the jurisdiction of the
32 juvenile court. In addition, follow-up services shall be made
33 available to children discharged from the school at any age
34 upon or after the children become age eighteen and continuing
35 until at least age twenty-one.

1 6. For any child placed at the state training school, the
2 school shall provide a written plan regarding the placement
3 status of the child on or about the time the child becomes
4 age eighteen. The plan shall, while giving consideration to
5 the treatment needs of the child, also give consideration to
6 the long-term needs of the child upon becoming age eighteen
7 including needs for vocational training or higher education.
8 Given these considerations, the plan shall identify placement
9 options to meet the child's needs that will not negatively
10 affect the child's adult eligibility for assistance provided
11 with federal financial participation. The assistance addressed
12 shall include but is not limited to the preparation for adult
13 living program under section 234.46, the medical assistance
14 program, and the federal job corps program.

15 7. The department shall cause the state training school
16 at Eldora to be accredited as a secure juvenile correctional
17 facility by the American correctional association, to meet the
18 standards adopted by the department for approval of a juvenile
19 detention home, and to meet applicable standards for programs
20 providing residential services for children paid for by a
21 managed care or prepaid services contract under the medical
22 assistance program. The standards applied in addition to the
23 American correctional association accreditation requirements
24 shall include but are not limited to the minimum qualifications
25 of staff. The standards and sanctions for noncompliance
26 shall be identified in conjunction with the department of
27 inspections and appeals and experts who are not employed by
28 or under contract with the department. A regular assessment
29 of compliance with the standards shall be performed by the
30 department of inspections and appeals and that department shall
31 submit a report on each assessment to the governor and general
32 assembly.

33 8. The director and the superintendent for the state
34 training school at Eldora shall provide on an ongoing basis for
35 the school's programs, facilities, and services, and for the

1 training of staff in order to apply evidence-based practices
2 and other recognized contemporary approaches to ensure that the
3 care for the children served by the school is of high quality.
4 The director's and superintendent's efforts and recommendations
5 to comply with this requirement shall be documented in the
6 annual budget and financial reporting submitted to the governor
7 and the general assembly.

8 Sec. 11. Section 233A.4, Code 2014, is amended to read as
9 follows:

10 **233A.4 Education and training.**

11 The state training school shall provide a positive living
12 experience for older juveniles who require secure custody and
13 who live at the state training school for an extended period
14 of time. The education and training programs provided to the
15 juveniles shall reflect the age level and extended period of
16 stay by focusing upon appropriate developmental skills to
17 prepare the juveniles for productive living. The education
18 services provided to the children placed at the state training
19 school shall be provided in accordance with section 282.33.

20 Sec. 12. Section 233B.1, Code 2014, is amended to read as
21 follows:

22 **233B.1 Definitions — purpose — services — population**
23 **limit.**

24 1. For the purpose of this chapter, unless the context
25 otherwise requires:

26 a. "Department" means the department of human services.

27 ~~a.~~ b. "Administrator" or "director" "Director" means the
28 director of the department of human services.

29 ~~b.~~ c. "Home" "State training school" means the Iowa juvenile
30 home state training school for female juvenile delinquents
31 maintained in accordance with this chapter.

32 ~~c.~~ d. "Superintendent" means the superintendent of the
33 Iowa juvenile home state training school for female juvenile
34 delinquents.

35 2. The ~~Iowa juvenile home~~ state training school for female

1 juvenile delinquents shall be operated, maintained for the
2 purpose of providing care, custody, and education of the
3 children committed to the home. The children shall be wards of
4 the state. The children's education shall embrace instruction
5 in the common school branches and in such other higher branches
6 as may be practical and will enable the children to gain useful
7 and self-sustaining employment. The administrator and the
8 superintendent of the home shall assist all discharged children
9 in securing suitable homes and proper employment., and staffed
10 by the department of human services to do all of the following
11 for female residents of this state:

12 3. The number of children present at any one time at the
13 Iowa juvenile home shall not exceed the population guidelines
14 established under 1990 Iowa Acts, chapter 1239, section 21, as
15 adjusted for subsequent changes in the capacity at the home.

16 a. Provide gender-responsive services to female children
17 less than age eighteen who have been adjudicated under chapter
18 232 as delinquent and placed at the state training school in
19 accordance with a court order.

20 b. If provided for by the children's education plans, allow
21 for continued placement at the state training school for female
22 children who were placed at the state training school under
23 paragraph "a" upon the children becoming adults. The purpose of
24 continued placement is for completion of high school education
25 requirements identified in the education plans developed by the
26 provider of educational services for the children.

27 c. Facilitate the provision of follow-up services to
28 children who received placement services at the state training
29 school and who remain under the jurisdiction of the juvenile
30 court, as necessary to meet the long-term needs of the
31 children as they age into adulthood. The plan for follow-up
32 services shall be developed with the child in conjunction
33 with juvenile court services and the child's attorney. The
34 provision of follow-up services for children who remain under
35 the jurisdiction of the juvenile court is subject to approval

1 by the juvenile court. Follow-up services shall be provided
2 to support children who are discharged from the state training
3 school during the period beginning twelve months prior to the
4 children becoming age eighteen and ending on the day prior to
5 the children becoming age eighteen who do not remain under the
6 jurisdiction of the juvenile court. In addition, follow-up
7 services shall be made available to children discharged
8 from the state training school at any age upon or after the
9 children become age eighteen and continuing until at least age
10 twenty-one.

11 3. Each child placed at the state training school and any
12 other child receiving an examination at the state training
13 school by order of the court shall receive a written plan
14 for services. The plan for services provided by the state
15 training school to a child shall identify any physical,
16 emotional, intellectual, behavioral, or mental health
17 disorder or condition affecting the child and recommend
18 treatment to address the disorder or condition, identify any
19 substance-related disorder of the child or the child's family
20 and recommend treatment to address the disorder, and assess the
21 child's educational status and recommend action to address any
22 identified educational deficiency, and for follow-up services,
23 identify specific public and private service providers with
24 the capacity to meet the child's needs. A copy of the plan
25 for services and any subsequent amendment to the plan shall be
26 submitted to the child, the child's attorney, and the juvenile
27 court.

28 4. For any child placed at the state training school, the
29 state training school shall provide a written plan regarding
30 the placement status of the child on or about the time the
31 child becomes age eighteen. The plan shall, while giving
32 consideration to the treatment needs of the child, also give
33 consideration to the long-term needs of the child upon becoming
34 age eighteen, including needs for vocational training or
35 higher education. Given these considerations, the plan shall

1 identify placement options to meet the child's needs that will
2 not negatively affect the child's eligibility as an adult for
3 assistance provided through federal financial participation.
4 The assistance addressed shall include but is not limited to
5 the preparation for adult living program under section 234.46,
6 the medical assistance program, and the federal job corps
7 program.

8 5. The department of human services and the representatives
9 of juvenile court services shall annually recommend a desired
10 capacity for the state training school in the succeeding
11 fiscal year to the governor and general assembly no later than
12 December 15. The capacity of the state training school for a
13 fiscal year shall be specified in the appropriations for the
14 school.

15 6. The education services provided to the children placed at
16 the state training school shall be provided in accordance with
17 section 282.33.

18 7. The department shall cause the state training school to
19 be accredited as a secure juvenile correctional facility by
20 the American correctional association, to meet the standards
21 adopted by the department for approval of a juvenile detention
22 home, and to meet applicable standards for programs providing
23 residential services for children paid for by a managed care or
24 prepaid services contract under the medical assistance program.
25 The standards applied in addition to the American correctional
26 association accreditation requirements shall include but are
27 not limited to the minimum qualifications of staff. The
28 standards and sanctions for noncompliance shall be identified
29 in conjunction with the department of inspections and appeals
30 and experts who are not employed by or under contract with
31 the department. A regular assessment of compliance with the
32 standards shall be performed by the department of inspections
33 and appeals and that department shall submit a report on each
34 assessment to the governor and general assembly.

35 8. The director and the superintendent for the state

1 training school shall provide on an ongoing basis for the
2 state training school's programs, facilities, and services,
3 and for the training of staff in order to apply evidence-based
4 practices and other recognized contemporary approaches to
5 ensure that the care for the children served by the state
6 training school is of high quality. The director's and
7 superintendent's efforts and recommendations to comply with
8 this requirement shall be documented in the annual budget and
9 financial reporting submitted to the governor and the general
10 assembly.

11 Sec. 13. Section 233B.2, Code 2014, is amended to read as
12 follows:

13 **233B.2 Salary.**

14 The salary of the superintendent of the ~~home~~ state training
15 school shall be determined by the administrator director in
16 accordance with the state requirements for similar positions.

17 Sec. 14. Section 233B.3, Code 2014, is amended to read as
18 follows:

19 **233B.3 ~~Admissions~~ Commitments and placements.**

20 ~~Admission to the home shall be granted to resident children~~
21 ~~of the state under seventeen years of age, as follows, giving~~
22 ~~preference in the order named:~~

23 1. ~~Neglected or dependent children committed by the~~
24 ~~juvenile court~~ Commitments to and placements at the state
25 training school shall be limited to the commitments and
26 placements specified in section 233B.1.

27 2. ~~Other destitute children.~~

28 Sec. 15. Section 233B.4, Code 2014, is amended to read as
29 follows:

30 **233B.4 Procedure.**

31 The procedure for commitment to and placement at the home is
32 state training school shall be as provided by chapter 232 and
33 section 233B.3.

34 Sec. 16. Section 233B.5, Code 2014, is amended to read as
35 follows:

1 **233B.5 Transfers.**

2 The ~~administrator~~ director may propose the transfer to the
3 ~~home~~ state training school of minor wards of the state from
4 any institution under the ~~administrator's~~ director's charge or
5 under the charge of ~~any other administrator~~ of the department
6 of human services; ~~but no person shall be so transferred who~~
7 ~~is a person with mental illness or an intellectual disability,~~
8 ~~or who is incorrigible, or has any vicious habits, or whose~~
9 ~~presence in the home would be inimical to the moral or physical~~
10 ~~welfare of the other children within the home, and any such~~
11 ~~child in the home may be transferred to the proper state~~
12 ~~institution. However, the superintendent shall only approve~~
13 the transfer of minor wards who meet the disposition criteria
14 specified in section 232.52, subsection 2, paragraph "e".

15 Sec. 17. Section 233B.6, Code 2014, is amended to read as
16 follows:

17 **233B.6 Profits and earnings.**

18 Any money earned by or accrued to the benefit of a child
19 who is transferred to, admitted to, or placed in foster care
20 from the ~~home~~ state training school shall be used, held, or
21 otherwise applied for the exclusive benefit of that child, in
22 accordance with section 234.37.

23 Sec. 18. Section 233B.7, Code 2014, is amended to read as
24 follows:

25 **233B.7 Rules.**

26 ~~All children admitted or committed to the home shall be wards~~
27 ~~of the state and subject to the rules of the home. Subject to~~
28 ~~the approval of the administrator, any child received under~~
29 ~~voluntary application may be expelled by the superintendent~~
30 ~~for disobedience and refusal to submit to proper discipline.~~
31 ~~Children shall be discharged upon arriving at the age of~~
32 ~~eighteen years, or sooner if possessed of sufficient means to~~
33 provide for themselves. The department shall adopt rules to
34 administer and operate the state training school in the best
35 interests of the children placed at the state training school.

1 Sec. 19. Section 234.6, Code 2014, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 11. Provide upon request assessment and
4 consultation services to public and private providers of child
5 welfare services to address the needs of children who have
6 challenging behaviors.

7 Sec. 20. Section 234.46, subsection 1, paragraph c, Code
8 2014, is amended to read as follows:

9 c. At the time the person became age eighteen, the person
10 received foster care services that were paid for by the state
11 under section 234.35, services at the state training school,
12 services at a juvenile shelter care home, or services at a
13 juvenile detention home and the person is no longer receiving
14 such services.

15 Sec. 21. Section 234.46, subsection 2, unnumbered paragraph
16 1, Code 2014, is amended to read as follows:

17 The division shall establish a preparation for adult living
18 program directed to young adults. The purpose of the program
19 is to assist persons who are leaving foster care and other
20 court-ordered services at age eighteen or older in making the
21 transition to self-sufficiency. The department shall adopt
22 rules necessary for administration of the program, including
23 but not limited to eligibility criteria for young adult
24 participation and the services and other support available
25 under the program. The rules shall provide for participation
26 of each person who meets the definition of young adult on
27 the same basis, regardless of whether federal financial
28 participation is provided. The services and other support
29 available under the program may include but are not limited to
30 any of the following:

31 Sec. 22. Section 282.33, Code 2014, is amended by striking
32 the section and inserting in lieu thereof the following:

33 **282.33 Funding for children residing in state mental health**
34 **institutes or training schools.**

35 1. An area education agency shall provide or make provision

1 for an appropriate educational program for each child who lives
2 in one of the following institutions for children under the
3 jurisdiction of the director of human services:

4 *a.* Mental health institute, Cherokee, Iowa.

5 *b.* Mental health institute, Independence, Iowa.

6 *c.* State training school for male juvenile delinquents under
7 chapter 233A.

8 *d.* State training school for female juvenile delinquents
9 under chapter 233B.

10 2. The area education agency shall provide the educational
11 program by any one of but not limited to the following:

12 *a.* Providing for the enrollment of the child in the district
13 of residence of the child, subject to the approval of the
14 district in which the child is living.

15 *b.* Cooperating with the district of residence of the child
16 and obtaining the course of study and textbooks of the child
17 for use in the special facility into which the child has been
18 placed.

19 *c.* Providing for the enrollment of the child in the district
20 in which the child is living, subject to the approval of the
21 district in which the child is living.

22 3. The area education agency shall submit a proposed program
23 and budget to the department of education by January 1 for
24 the next succeeding school year for each institution. The
25 department of education shall review and approve or modify the
26 program and proposed budget and shall notify the department
27 of administrative services and the area education agency of
28 its action by February 1. The department of administrative
29 services shall pay the approved budget amount for an area
30 education agency in monthly installments beginning September
31 15 and ending June 15 of the next succeeding school year. The
32 installments shall be as nearly equal as possible as determined
33 by the department of management, taking into consideration the
34 relative budget and cash position of the state's resources.
35 The department of administrative services shall transfer the

1 approved budget amount for an area education agency from
2 the moneys appropriated under section 257.16 and make the
3 payment to the area education agency. The area education
4 agency shall submit an accounting for the actual cost of
5 the program to the department of education by August 1 of
6 the following school year. The department shall review and
7 approve or modify all expenditures incurred in compliance with
8 the guidelines pursuant to section 256.7, subsection 10, and
9 shall notify the department of administrative services of the
10 approved accounting amount. The approved accounting amount
11 shall be compared with any amounts paid by the department of
12 administrative services to the area education agency and any
13 differences added to or subtracted from the October payment
14 made under this subsection for the next school year. Any
15 amount paid by the department of administrative services shall
16 be deducted monthly from the state foundation aid paid under
17 section 257.16 to all school districts in the state during the
18 subsequent fiscal year. The portion of the total amount of the
19 approved budget that shall be deducted from the state aid of a
20 school district shall be the same as the ratio that the budget
21 enrollment for the budget year of the school district bears to
22 the total budget enrollment in the state for that budget year
23 in which the deduction is made.

24 4. For purposes of this section, "*district of residence*"
25 means the school district in which the parent or legal guardian
26 of the child resides or the district in which the district
27 court is located if the district court is the guardian of the
28 child.

29 5. Programs may be provided throughout the calendar year and
30 shall be funded under this section if the school district or
31 area education agency determines a valid educational reason to
32 do so.

33 Sec. 23. REPEAL. Sections 233B.10, 233B.11, 233B.12, and
34 233B.13, Code 2014, are repealed.

35

DIVISION II

CONFORMING AMENDMENTS

Sec. 24. Section 137F.1, subsection 7, unnumbered paragraph 1, Code 2014, is amended to read as follows:

"Food establishment" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption and includes a food service operation in a salvage or distressed food operation, school, summer camp, residential service substance abuse treatment facility, halfway house substance abuse treatment facility, correctional facility operated by the department of corrections, or the state training school, ~~or the Iowa juvenile home~~. "Food establishment" does not include the following:

Sec. 25. Section 218.1, subsections 7 and 8, Code 2014, are amended to read as follows:

7. State training school for male juvenile delinquents under chapter 233A.

8. ~~Iowa juvenile home~~ State training school for female juvenile delinquents under chapter 233B.

Sec. 26. Section 218.6, subsection 3, Code 2014, is amended to read as follows:

3. The state juvenile institutions consisting of the state training school for male juvenile delinquents and the ~~Iowa juvenile home~~ state training school for female juvenile delinquents.

Sec. 27. Section 259A.6, Code 2014, is amended to read as follows:

259A.6 Residents of juvenile institutions and juvenile probationers.

Notwithstanding the provisions of section 259A.2 a minor who is a resident of a the state training school ~~or the Iowa juvenile home~~ or a minor who is placed under the supervision of a juvenile probation office may make application for a high school equivalency diploma and upon successful completion of the program receive a high school equivalency diploma.

Sec. 28. Section 261.6, subsection 2, paragraph b, Code

1 2014, is amended to read as follows:

2 *b.* Is age seventeen and has been placed in the state
3 training school ~~or the Iowa juvenile home~~ pursuant to a court
4 order entered under chapter 232 under the care and custody of
5 the department of human services.

6 Sec. 29. Section 261.6, subsection 2, paragraph c,
7 subparagraph (4), Code 2014, is amended to read as follows:

8 (4) On the date the person reached age eighteen or during
9 the thirty calendar days preceding or succeeding that date,
10 the person was placed in the state training school ~~or the Iowa~~
11 ~~juvenile home~~ pursuant to a court order entered under chapter
12 232 under the care and custody of the department of human
13 services.

14 Sec. 30. Section 331.424, subsection 1, paragraph a,
15 subparagraph (1), subparagraph division (b), Code 2014, is
16 amended by striking the subparagraph division.

17 Sec. 31. Section 331.756, subsection 51, Code 2014, is
18 amended by striking the subsection.

19 Sec. 32. Section 331.802, subsection 3, paragraph k, Code
20 2014, is amended to read as follows:

21 *k.* Death of a person ~~committed or~~ admitted to, committed to,
22 or placed at a state mental health institute, a state resource
23 center, or the state training school, ~~or the Iowa juvenile~~
24 ~~home~~.

25 Sec. 33. Section 357H.1, subsection 1, Code 2014, is amended
26 to read as follows:

27 1. The board of supervisors of a county with less than
28 twenty thousand residents, not counting persons admitted ~~or to,~~
29 committed to, or placed at an institution enumerated in section
30 218.1 or 904.102, based upon the 2000 certified federal census,
31 and with a private lake development shall designate an area
32 surrounding the lake, if it is an unincorporated area of the
33 county, a rural improvement zone upon receipt of a petition
34 pursuant to section 357H.2, and upon the board's determination
35 that the area is in need of improvements.

1 DIVISION III
2 EFFECTIVE DATE

3 Sec. 34. EFFECTIVE UPON ENACTMENT. This Act, being deemed
4 of immediate importance, takes effect upon enactment.

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 This bill relates to the services provided through the
9 department of human services (DHS) for children who have been
10 adjudicated delinquent and establishes a state training school
11 for delinquent females in place of the Iowa juvenile home. The
12 bill is organized into divisions. The bill amends the services
13 required to be provided at the home and limits placements to
14 adjudicated delinquent females only.

15 DIVISION I — STATE TRAINING SCHOOL — EDUCATION. This
16 division provides the substantive amendments pertaining to the
17 state training school for male adjudicated delinquents and
18 the state training school for female adjudicated delinquents.
19 The current law in Code section 232.52 is maintained which
20 restricts placement in the institutions of adjudicated
21 delinquent males and females who are at least age 12 and the
22 court finds the placement to be in the best interests of the
23 child or necessary for the protection of the public, and that
24 the child has been found to have committed an act which is a
25 forcible felony, as defined in Code section 702.11 (felonious
26 child endangerment, assault, murder, sexual abuse, kidnapping,
27 robbery, arson in the first degree, or burglary in the
28 first degree), or a felony violation of Code section 124.401
29 (prohibited acts with controlled substances) or Code chapter
30 707 (homicide and related crimes) or meets at least three of
31 four other criteria relating to age, crimes against persons,
32 recidivism, and prior placement.

33 The bill includes legislative findings concerning the need
34 to improve the system to meet the needs of children who have
35 committed a delinquent act, have been abused, neglected, or

1 subjected to trauma, or have other significant needs. An
2 implementation provision directs the department of human
3 services to expeditiously select a state-owned facility to
4 begin serving as the state training school for delinquent
5 females. The responsibilities for the state training school
6 for delinquent males under Code chapter 233A are amended to
7 conform with the new duties specified for the facility for
8 females.

9 Code section 232.2, providing definitions for the juvenile
10 justice Code chapter, is amended to provide a new definition
11 for the state training school, referring either to the training
12 school for delinquent males or to the training school for
13 delinquent females. In addition, the responsibilities of
14 guardians ad litem appointed for children adjudicated as a
15 child in need of assistance (CINA), is amended to require the
16 guardians to visit children in a placement at least quarterly.

17 Code section 232.49, relating to court-ordered mental and
18 physical examinations of children adjudicated delinquent, is
19 amended to explicitly list the two training schools as options
20 for the examinations.

21 Code section 232.52, relating to the disposition by the
22 court of children adjudicated delinquent, is amended to
23 require the attorney of a child subject to placement outside
24 the child's home to visit the child at the placement at least
25 quarterly.

26 Code section 232.102, relating to the dispositions that may
27 be ordered by the court of a child adjudicated as a CINA, and
28 Code section 232.103, relating to modifications of such orders,
29 are amended to eliminate options relating to placements of CINA
30 children at the Iowa juvenile home (IJH).

31 The provisions in Code chapter 233A, relating to the state
32 training school for adjudicated delinquent males and in
33 Code chapter 233B, relating to the state training school for
34 adjudicated delinquent females, are both amended to apply the
35 same new responsibilities to each. Each must provide a written

1 plan for services for the children in placement or receiving
2 an examination, facilitate follow-up services for children
3 who received placement services, and provide a written plan
4 regarding the placement status for a child on or about the time
5 the child becomes age 18. The plan for follow-up services is
6 to be developed with the child and in conjunction with the
7 child's attorney and juvenile court services. The training
8 school for females is required to provide gender-responsive
9 services and authorization is provided for a female to stay at
10 age 18 for completion of high school education if provided for
11 in the female's education plans.

12 In addition, for both training schools, DHS is required
13 to secure accreditation as a secure juvenile facility by the
14 American correctional association, meet DHS standards for
15 a juvenile detention home, and meet applicable standards
16 for residential services applied for children paid by the
17 DHS Medicaid program contract. The standards that are
18 separate from the association's standards and sanctions for
19 noncompliance are to be identified in conjunction with the
20 department of inspections and appeals (DIA) and experts not
21 employed by DHS. Compliance assessments are required to be
22 performed by DIA.

23 The DHS administrator and the state training school
24 superintendents are required to provide on an ongoing basis for
25 the schools' programs, facilities, and services, and for the
26 training of staff in order to apply evidence-based practices
27 and other recognized contemporary approaches to ensure that
28 the care for the children served by the state training school
29 is of high quality. The administrator's and superintendent's
30 efforts and recommendations to comply with this requirement are
31 to be documented in the annual budget and financial reporting
32 submitted to the governor and general assembly.

33 The educational program at the two facilities under current
34 law is provided by DHS. Under the bill, the educational
35 program is provided through the area education agency (AEA)

1 in a manner similar to that authorized under current law for
2 juvenile detention homes. This requirement is codified in
3 Code section 282.33 and also applies to children living in
4 placement at the state mental health institutes at Cherokee
5 and Independence. The AEA is provided several options for
6 providing the educational program, including through the school
7 district in which the child is residing. The costs of the
8 educational program are to be covered through the state aid to
9 schools formula. Code section 233A.4, relating to education
10 and training at the state training school for male juvenile
11 delinquents, and Code section 233A.1, relating to the training
12 school for female juvenile delinquents are both amended to
13 reference the educational program section.

14 Code section 233B.2, relating to the salary of the
15 superintendent, is amended to require the salary to be
16 determined by the director of DHS.

17 Code section 233B.3, relating to admissions of children who
18 are residents of this state, is amended to limit commitments
19 to placements specified in Code section 233B.1, as amended by
20 the bill. The requirement in current law restricting admission
21 to children under age 17 is stricken. Code section 233B.4,
22 relating to procedure, is amended in a similar manner.

23 Code section 233B.5 is amended to modify the authority of DHS
24 to transfer children from other DHS institutions to the state
25 training school for female juvenile delinquents. The bill
26 prohibits the school's superintendent from approving a transfer
27 proposal that does not meet the placement criteria specified
28 by the bill.

29 Code section 233B.6, relating to moneys associated with a
30 child, is amended to remove reference to IJH.

31 Code section 233B.7, requiring children to comply with
32 the rules of the state training school for female juvenile
33 delinquents, is amended. Requirements for children to comply
34 with the rules of the training school, for expulsion of
35 voluntary placements who do not comply, and requiring discharge

1 when a child becomes age 18 are stricken. The bill requires
2 DHS to adopt rules to administer and operate the training
3 school to meet the best interests of the children admitted to
4 the state training school.

5 Code sections 233B.10, 233B.11, 233B.12, and 233B.13 are
6 repealed. These sections authorize DHS to place a child
7 admitted to the IJH into foster care and allow the placement
8 to continue into adulthood for educational purposes. Other
9 repealed Code sections provide for contracting for the
10 placements and for the county attorney to institute proceedings
11 to recover possession of the child if the contract is violated
12 and to prohibit the child's parent from interfering with the
13 placement or the child while the placement is in force. In the
14 conforming amendments division, a subsection of Code section
15 331.756, relating to the duties of the county attorney, is
16 amended to remove this duty of the county attorney to recover
17 possession of a child placed from IJH into foster care.

18 Code section 234.6, relating to the duties of DHS involving
19 child and family services, is amended to require DHS to provide
20 upon request assessment and consultation services to public
21 and private providers of child welfare services to address the
22 needs of children who have challenging behaviors.

23 Code section 234.46, relating to the preparation for
24 adult living program administered by DHS, is amended. The
25 eligibility definition is expanded to include persons who,
26 at the time such person became age 18, received services at
27 the state training school, a shelter care home, or a juvenile
28 detention home. Current law limits eligibility to persons who,
29 at the time such person became age 18, was receiving foster
30 care services paid for by the state. The rules adopted by
31 the department for the program are required to provide for
32 the participation of each person who meets the eligibility
33 definition on the same basis, regardless of whether federal
34 financial participation is provided.

35 DIVISION II — CONFORMING AMENDMENTS. The bill provides

1 conforming amendments in various Code sections.

2 These Code sections are amended to eliminate or change
3 references to the Iowa juvenile home to the state training
4 school: 137F.1, relating to definitions for state regulation
5 of food establishments; 218.1, providing a list of the
6 state institutions administered by DHS; 218.6, providing
7 authorization for DHS to transfer among institutions of the
8 same type without approval by the governor and the department
9 of management; 259A.6, relating to applications for high school
10 equivalency diplomas for residents of juvenile institutions
11 and juvenile probationers; 261.6, relating to eligibility for
12 the all Iowa opportunity foster care grant program; 331.756,
13 relating to the responsibility of the county attorney to
14 represent the superintendent of IJH; and 331.802, relating to
15 reporting and investigations of certain deaths.

16 Code section 331.424, relating to county supplemental levy
17 authority, is amended to strike the authority for the costs of
18 placements at IJH.

19 Code section 357H.1, relating to rural improvement zones, is
20 amended to incorporate placement terminology used in the bill.

21 DIVISION III — EFFECTIVE DATE. The bill takes effect upon
22 enactment.